IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.3738 OF 2007

Paresh Jagdish Thakkar ..Applicant

Vs.

State of Maharashtra ..Respondent

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Mr.S.K.Shinde i/b Sagar V.Kasar advocate for applicant
Mr.S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : NOVEMBER 22, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant was granted bail by ad-hoc Additional Sessions Judge-I, Niphad in C.R.No. 76 of 2007 of Niphad Police Station. The said case is mainly under Sections 420 and 468 of IPC.

3. While granting bail, inter alia, the following two conditions were imposed on the applicant:

. (1) It is repeatedly found from the

submission of learned APP and I.O. that this applicant Paresh Thakkar is not having permanent residence therefore, applicant is required to furnish proof of his permanent residence as well as temporary residence at Nashik and the same is to be verified by I.O. first and then only his bail order shall be given effect to.

. (2) Applicant Paresh Jagdish Thakkar shall not leave District without previous permission of the Court.

4. On the earlier date, when the matter was heard, Mr.Prashant D.Katira who is brother in law of the present applicant, filed an affidavit-cum-undertaking before the Court stating therein that his permanent address is B-101, Mahalaxmi Tower, Off Balrajeshwar Road, Mulund (West), Mumbai-400080. In the said affidavit, he has given undertaking that he shall secure the presence of Shri.Paresh Jagdish Thakkar as and when

required by concerned learned Sessions Court, Niphad, Dist. Nashik and as well as Investigating Officer. After the said affidavit was tendered in Court, the learned APP was directed to submit a report in respect of the contents of the said affidavit and especially the fact as to whether Mr.Prashant D.Katira is permanently residing at the said address. Accordingly, a report was submitted today. The said report is by Mr.Sanjay A.Barkund, Sub-Divisional Police Officer, Niphad. The same is taken on record and marked 'X' for identification. From the said report, it is seen that Mr.Prashant D.Katira is permanently residing at the said address. It is stated that the applicant will reside with the said Mr.Prashant Katira at the above mentioned address at Mulund. Looking to this fact and the undertaking submitted by Mr.Prashant D.Katira, the condition as imposed in clause 11 of the order dated 19th October, 2007 passed by Adhoc Addl. Sessions Judge-I, Niphad, is deleted and condition in clause no.10 is modified. The applicant is allowed to leave Nasik district and reside in Mumbai with Mr.Prashant Katira at Mulund.

5. Till the investigation is over, the applicant

shall reside with Mr.Prashant D.Katira. The applicant shall report to Niphad Police Station, Nashik for a period of one week starting from 29th November, 2007. He shall report to the said police station from 11 a.m. to 2 p.m. Thereafter, he shall report to the concerned police station as and when called till filing of the charge sheet. Time to furnish surety is extended by a period of two weeks from today.

6. Application is disposed of. Authenticated copies be given to the parties.

[SMT.V.K.TAHILRAMANI, J.]